

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION

DR. LAMAR COLLINS AND
ROSE COLLINS,
Plaintiffs,

v.

ROBINSON INDEPENDENT SCHOOL
DISTRICT,
Defendant.

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CIVIL ACTION NO. 6:21-cv-657

DEFENDANT'S NOTICE OF REMOVAL

TO THE CLERK OF THE COURT:

NOW COMES Defendant Robinson Independent School District ("Robinson ISD") and pursuant to 28 U.S.C. § 1441(c), files this Notice of Removal and in support shows the Court as follows:

BASIS OF REMOVAL

1. Plaintiffs commenced this action against Defendant Robinson ISD under Cause No. 2021-1636-5, in the 414th Judicial District Court, McLennan County, Texas on June 3, 2021. Defendant agreed to waive service of suit, and this office accepted service on Defendant's behalf on June 3, 2021. Defendant Robinson ISD timely files this Notice of Removal within thirty days of service on Defendant of Plaintiffs' Original Petition and Jury Demand, in which Plaintiffs assert claims under federal law.

2. Defendant Robinson ISD states that this action is of a civil nature, and that the district courts of the United States have original jurisdiction to this action pursuant to the provisions of 28 U.S.C. § 1331. This civil action alleges claims under federal statutes and therefore may be removed to this Court by Defendant pursuant to 28 U.S.C. § 1441(c).

3. As apparent on the face of Plaintiffs' Original Petition and Jury Demand filed with the state district court on June 3, 2021, this action arises under the laws of the United States. Specifically, Plaintiffs assert claims pursuant to 42 U.S.C. § 1981 for discrimination and retaliation through 42 U.S.C. § 1983 (Plaintiffs' Original Petition, pp. 7-8, ¶¶52-55).¹
4. An index of state court documents with the court's docket sheet and certified copies of the state court's file are attached hereto as Exhibit A to the Appendix to this notice of removal as required by 28 U.S.C. § 1446(a).
6. Defendant Robinson ISD will promptly file a copy of this notice of removal with the clerk of the state court where the suit has been pending.

Respectfully submitted,

By: /s/ Kelley L. Kalchthaler
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¹ While a review of Plaintiffs' Original Petition will show that they specifically assert two claims of discrimination under the Texas Commission on Human Rights Act (TCHRA), Texas Labor Code Ch. 21, the Court may consider pendant claims. For such claims, the law is also substantively identical to its federal equivalent in Title VII. *See Quantum Chem. Corp. v. Toennies*, 47 S.W.3d 473, 475-477 (Tex. 2001). One of TCHRA's purposes is to "provide for the execution of the policies of Title VII of the Civil Rights Act of 1964 and its subsequent amendments." TEX. LABOR CODE § 21.001(1). Therefore, analogous federal statutes and the cases interpreting the cases also inform a court's reading of the TCHRA. *NME Hosps., Inc. v. Rennels*, 994 S.W.2d 142, 144 (Tex. 1999).

CERTIFICATE OF SERVICE

I hereby certify that on the 24th day of June, 2021, a true and correct copy of the foregoing notice was served upon Plaintiffs through their counsel as follows:

Mr. Colin Walsh
Mr. Jairo Castellanos
Wiley Walsh, P.C.
1101 San Jacinto Blvd., Suite 401
Austin, Texas 78701

***Via CMRRR No. 9414 7266 9904 2181 3576 02
and Email: colin@wileywalsh.com***

/s/ Kelley L. Kalchthaler

Kelley L. Kalchthaler